

Comments on TSA-2002-11604:

The preamble to this regulation is not very clear as to who, what, where and when this additional rule will affect. It appears to go beyond the scope of Section 132 (a) of the ATSA. Clearer terminology on who is required to comply with the new requirements, what has to be complied with and where and when it has to be complied with is needed. The term “charter” needs to be defined and be consistent with the definitions used by the FAA.

The rule makes reference to aircraft “with a maximum certificated takeoff weight (MCTW) of **12,500 pounds or more.**” Aircraft certification rules and definitions under 14 CFR have always made a distinction between aircraft with a MCTW of **more than 12,500 pounds** and those with a MCTW of exactly 12,500 pounds or less. If this rule applies to aircraft certificated for a maximum certificated takeoff weight of exactly 12,500 pounds, the impact may be vastly greater than anticipated. This needs to be changed to **more than 12,500 pounds** with respect to the language in Section 1544.1 so it is in line with the rest of the FAR’s and the aircraft certification rules and definitions. Applying this rule to aircraft with a MCTW of exactly 12,500 pounds would be extremely burdensome and potentially beyond the intent of the Congress.

Most small aircraft have no economical way to restrict access to the cockpit. Small charter aircraft have a curtain (if that much) between the cockpit and the cabin. Very expensive STC’s would have to be developed to create a way to restrict access to the cockpit. This also creates some very serious safety issues. Small on demand charter operators do not have flight attendants on board and the small aircraft do not have a intercom system. Having a locked door would create safety issues due to the inability of the crew and passengers to converse with a door that is closed and locked. This would also put the crew at risk during an emergency egress situation since most exits are through the cabin area in small on demand charter aircraft.

Most small charter companies never get close to the sterile area of an airport. Charter operators have much greater control over their services and can react quickly and notify authorities of suspicious persons before they even board the aircraft. They can refuse service to unknown persons when something is requested that is unusual or suspicious.

There are many other questions that will arise if small on demand charter operators are included in this regulation. The comment period needs to be extended and additional information needs to be supplied to clear up many of the questions that have been created by this proposed regulation unless there are some major revisions.

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